2816

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TRANSMITTAL FORM

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Application Number	10/075,531
Filing Date	02-13-2002
First Named Inventor	David Nguyen, et al.
Art Unit	2816
Examiner Name	Nguyen, Minh T.
Attorney Docket Number	1726.7221200

Total Number of Pages in This Submission

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
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- ☐ Petition to Convert to a Provisional Application
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Ross D. Snyder, Reg. No. 37,730
Signature	Ross D. Snyder
Date	08/28/2003

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Typed or printed name	Ross D. Snyder, Reg. No. 37,730		
Signature	Ross D. Snyder	Date	08/28/2003

Application No: 10/075,531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): -David Nguyen, et al.

Title: **METHOD AND APPARATUS FOR ACCOMMODATING DELAY VARIATIONS AMONG MULTIPLE SIGNALS**

App. No.: 10/075,531 Filed: 02-13-2002

Examiner: Nguyen, Minh T. Group Art Unit: 2816

Atty. Dkt. No. 1726.7221200

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Signature

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO EXAMINER'S ELECTION REQUIREMENT

Dear Sir:

REMARKS

The Office has identified the claims of this application as being directed to alleged patentably distinct Species I, II , and III.

Applicants elect Species I (upon which Claims 1-43 and 50-52 are readable). The election requirement is respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the claims 1-52 does not create an undue burden on the Office and the subject matter among the species is not independent and distinct as required by statute.

MPEP § 808.01 equates independent inventions as those that are "not connected in design, operation, or effect under the disclosure of the particular application under consideration." Applicants note that the pending claims are connected in effect in that they all provide an effect of accommodating transition-induced delay or accommodating delay variation among multiple signals. For example, while the Examiner attempts to distinguish alleged Species I from alleged Species II, he characterizes Species I as pertaining to Fig. 9 and Species II as pertaining to Fig. 10. Yet, Applicants note that paragraphs 21 and 22 of the disclosure reveal connection in design, operation, and/or effect of Fig. 9 and Fig. 10, respectively stating that Figs. 9 and 10 are "flow diagram[s] illustrating a method for accommodating transition-induced delay...."

As another example, while the Examiner attempts to distinguish alleged Species III as pertaining to a method comprising "a step of comparison of multiple signals using nominal clock signal, early clock signal and late clock signal, and an apparatus for performing such a step," Applicants note that Fig. 13, which includes a clock generation circuit that generates a nominal clock signal of nominal timing, as well as an early clock signal and a late clock signal, is described in paragraph 75 of the disclosure as being "a block diagram illustrating an apparatus for accommodating transition-induced delay...." Thus, Applicants submit that there is sufficient evidence of connection in design, operation, or effect under the disclosure of the particular application under consideration to obviate the Examiner's election requirement.

The Applicants further disagree with the characterizations relied on by the Office to identify the alleged Species and to support their alleged distinctiveness. Applicants submit that the descriptions of the alleged Species provided by the Examiner constitute an oversimplification and mischaracterization of the attributes of the claimed invention. For example, the Examiner cites particular Figures in the descriptions of the alleged Species. However, Figures must be assessed in the context of the disclosure provided in the specification. Notwithstanding that a claim may read on an embodiment, Applicants do not concede that any particular feature of an embodiment is an element of such a claim.

The Examiner has identified alleged Species II as being "a method comprises a step of causing a first timing signal to occur at a first time wherein the first time is sampled based on a first timing, Fig. 10 and the apparatus for performing such a step." Applicants believe the Examiner may have intended for that description to be stated as follows: "a method comprises a step of causing a first timing signal to occur at a first time wherein the first line is sampled based on the first timing signal, Fig. 10 and the apparatus for performing such a step." Clarification is respectfully requested.

With respect to alleged Species III, the Examiner does not cite a Figure as was done in the cases of alleged Species I and II. Applicants believe the Examiner may have intended to cite Fig. 14. Clarification is respectfully requested.

The Examiner states that claims 1, 8, 16, 32, and 36 appear generic and requests Applicants to confirm or correct that identification. Moreover, the Examiner states that the claims appear to contain "112 first paragraph problems (no teaching is seen in the specification)." Applicants respectfully disagree. However, Applicants cannot further respond to the Examiner's assertions of "112 first paragraph problems" absent a reasonably detailed explanation of what the Examiner considers to be such problems. Applicants note that MPEP § 806.04(d) states that it is not possible to define a generic claim with that precision existing in the case of a geometrical term and further states that in an application presenting three species illustrated in three Figures, a generic claim should read on each of those views. However, given Applicants' objections set forth above concerning the descriptions of the alleged Species, Applicants cannot definitively characterize particular claims as either generic or non-generic until the election requirement is clarified and its deficiencies corrected. Nonetheless, Applicants submit that, subject to the uncertainties described above, if claims 1, 8, 16, 32, and 36 are properly deemed to be generic, claims 4, 9, 10, 17, 33, 43, and 50 would also be generic, which would result in claims 1, 4, 8-10, 16, 17, 32, 33, 36, 43, and 50 being identified as generic.

In summary, Applicants have elected claims 1-43 and 50-52 readable on Species I for further prosecution and have identified claims 1, 4, 8-10, 16, 17, 32, 33, 36, 43, and 50 as being generic. Reconsideration and further prosecution on the merits of the withdrawn claims is respectfully requested.

Respectfully submitted,

08/28/2003

Date

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